

Notice of Allowability

Application No.

10/533,472

Examiner

Frederick C. Nicolas

Applicant(s)

LEUENBERGER ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 1/19/2007.
2. ☒ The allowed claim(s) is/are 10-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/30/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicants' attorney Mr. Edwin D. Schindler on 2/1/2007.

The application has been amended as follows:

IN THE CLAIMS:

Claim 10, line 9, "a" second occurrence has been deleted and --said first film-- has been inserted; line 11, "capable of" has been deleted and --, thereby-- has been inserted; line 12, "a" first occurrence has been deleted and --said level-- has been inserted; line 14, ",", second occurrence has been deleted; line 15, "elbow" has been deleted and --arm-- has been inserted; line 16 ",", second occurrence has been deleted; line 16, "elbow" has been deleted and --arm-- has been inserted; line 18, before "swiveled", --said lid is-- has been inserted; line 18 ",", has been deleted; line 19, "elbow" has been deleted and --arm-- has been inserted.

Claim 12, line 3, ",", has been deleted; line 3, "elbow" has been deleted and --arm-- has been inserted; line 6 "a" has been deleted and --said--has been inserted.

Claim 15, line 7, "its top lip" has been deleted and --top lip of said pouring spout-- has been inserted; line 8, after "mold", --bulging upwardly-- has been inserted.

Allowable Subject Matter

2. Claims 10-18 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a spout seal for a comipack in combination with the other claimed limitations of claim 10:

"an L-shaped moving-along swivel arm comprising a first leg and a second leg; said lid forming a mold bulging upwardly, when open, for forming a level upper surface, thereby form-fitting into a clearance opening in said level bottom side of said bottom part and surrounded by a projecting lip when said lid is closed and flush with said bottom side or projecting downwardly therefrom by up to 0.5 mm, said lid being connected via said first film hinge to said L-shaped moving-along swivel arm by which said lid is connected to said bottom part via said second film hinge, so that said first leg of said L-shaped moving-along swivel arm facing said bottom part is fusable with said disk forming said bottom side of said bottom part when said lid is swiveled shut for an initial time and an edge of said second leg of said L-shaped moving- along swivel arm forming a swivel axis for swiveling said lid onto, and off of, said bottom part".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

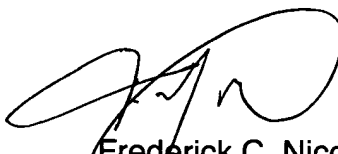
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
February 1, 2007

 2/1/07
Frederick C. Nicolas
Primary Examiner
Art Unit 3754